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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,730

12/04/2003

Daniel J. Daily

4366-149

1751

48500

7590

04/22/2010

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

04/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments***Terminal Disclaimer***

The person who signed the terminal disclaimer has failed to state his/her capacity to sign for the corporation or other business entity or organization, and he/she has not been established as being authorized to act on behalf of the assignee. Terminal Disclaimer filed on 3/5/2010 has not been entered.

Examiner's note: The Applicant is advised to file the revised Terminal Disclaimer and Examiner request to such a Terminal Disclaimer must include Assignee showing of ownership per 37 CFR 3.73(b). Please refer to reason to disapprove Terminal Disclaimer filed on 1/19/2010: The assignee has not established its ownership interest in the application, in order to support the terminal disclaimer. There is no submission in the record establishing the ownership interest by either (a) providing documentary evidence of a chain of title from the original inventor(s) to the assignee and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11, or (b) specifying (by reel and frame number) where such documentary evidence is recorded in the Office (37 CFR 3.73(b)).

Examiner respectfully maintains the double patenting rejection (action mailed on 10/21/2009), and requests the Applicant to file a proper Terminal Disclaimer. In view of amendments to the claims 1 – 2, 4, 6, 8 – 31 will be allowed, if a Terminal Disclaimer is filed to overcome the double patenting rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRAMILA PARTHASARATHY whose telephone number is (571)272-3866. The examiner can normally be reached on 8:00a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2436

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pramila Parthasarathy/
Primary Examiner, Art Unit 2436